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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,998	09/16/2003	Derek Murashige	0009	1744
43699	7590	03/07/2006		
GO DADDY GROUP, INC. 14455 NORTH HAYDEN ROAD, SUITE 219 SCOTTSDALE, AZ 85260			EXAMINER DAYE, CHELCIE L	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,998	MURASHIGE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chelcie Daye	2161	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is issued in response to Application filed on September 16, 2003.
2. Claims 1-24 are pending.

### ***Claim Objections***

3. Claims 7,15, and 23 are objected to because of the following informalities: the term spiderability is incorrectly spelled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1,2,7,9,10,15,17,18,and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,9,and 17 recite the limitation "the code" in limitation (A) within claims 1,9 and 17, examiner is unsure as to what "code" applicant is referring to, since there is no prior mention of such coding. There is insufficient antecedent basis for this limitation in the claim.

Claims 2,10,and 18 recite the limitation "the owner" in the first line of claims 2,10,and 18, examiner is unsure as to what "owner" applicant is referring to, since there is no prior mention of an owner. There is insufficient antecedent basis for this limitation in the claim.

Claims 7,15,and 23 recite the limitation "the spiderability" in the second line of claims 7,15,and 23, examiner is unsure as to what "spiderability" applicant is referring to, since there is no prior mention of such action. There is insufficient antecedent basis for this limitation in the claim.

6. Claims 9 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 9 and 17, the term "substantially" renders the claim(s) indefinite because the term refers to an extent or degree of something, not an actual comparison. Examiner is unsure as to what degree of similarity the ranking needs to be, rendering the claims indefinite.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley (US Patent Application No. 20020035611) filed on December 28, 2000, in view of Feeley (US Patent Application No. 20040068460) filed on October 2, 2002.**

Regarding Claims 1,9, and 17, Dooley discloses a process for increasing traffic flow to a Web site from one or more search engines, comprising the steps of:

A) a program receiving access to review the code of a Web site ([0056], lines 36-40, Dooley)<sup>1</sup>;

B) the program receiving one or more search phrases related to the Web site ([0046], lines 2-11, Dooley);

C) the program receiving one or more selected search engines to submit the Web site to ([0050], lines 8-11, Dooley); and

G) the program submitting the Web site to the selected search engines ([0050], lines 12-18, Dooley)<sup>2</sup>. Though, Dooley does refer to the search engines performing some type of ranking (Fig.3; [0017], lines 20-22, Dooley), Dooley is silent with respect to the methods of how the rankings are determined by D) the program determining the ranking methodologies used by the selected search engines; E) the program analyzing the Web site using substantially similar ranking methodologies used by the selected search engines; F) the program automatically editing the code of the Web site to increase the expected traffic flow to the Web site from the selected search engines; H) repeating steps D) through G) to maintain an increased level of traffic flow to the Web site. On the other hand, Feeley discloses D) the program determining the ranking methodologies used by the selected search engines ([0023], lines 15-22,

Feeley)<sup>3</sup>; E) the program analyzing the Web site using substantially similar ranking methodologies used by the selected search engines ([0026], lines 7-14, Feeley)<sup>4</sup>; F) the program automatically editing the code of the Web site to increase the expected traffic flow to the Web site from the selected search engines ([0027], lines 1-9, Feeley)<sup>5</sup>; H) repeating steps D) through G) ([0025], lines 18-23, Feeley)<sup>6</sup> to maintain an increased level of traffic flow to the Web site ([0027], lines 4-7, Feeley). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Feeley's teachings into the Dooley system. Dooley and Feeley are analogous art because they are from the same field of endeavor of Internet search engines and their rankings. A skilled artisan would have been motivated to combine as suggested by Feeley at paragraph [0029], lines 1-8, in order to provide a convenient way for advertisers to maximize qualified consumer traffic to their web sites, and for search engines to increase their revenue stream.

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<sup>1</sup> Examiner Notes: Java applets correspond to a program and the inclusion of the code corresponds to receiving access.

<sup>2</sup> Examiner Notes: Submitting corresponds to "identifying".

<sup>3</sup> Examiner Notes: Fig.2 is an example of a search engine and the item 38 shows the different web pages are ranked. Also, "determining the ranking method" is achieved by showing the calculations of the search listing.

<sup>4</sup> Examiner Notes: Figs.3&4 show an example of a web site with "bid rankings" which are similar to those used by the search engine. As seen by Fig.3, the steps of listing the "current bid", "current position", "network high bid", and "new bid" is a consideration of detail for the ranking, which correspond to the act of analyzing the web site.

<sup>5</sup> Examiner Notes: "Adjusting bid amounts" correspond to the editing of the web site and because of the adjusting of the bids, the ultimate goal is to maintain the position at the top of the search results, which would increase the expected flow of traffic.

<sup>6</sup> Examiner Notes: Fig.5 shows a detailed view of the loop (i.e. repeated steps) in order to maintain the traffic flow.

Regarding Claims 2,10, and 18, the combination of Dooley in view of Feeley, disclose the process further including the step of listing suggested edits for the owner to manually edit the code of the Web site ([0028], lines 1-11, Feeley)<sup>7</sup>.

Regarding Claims 3,11, and 19, the combination of Dooley in view of Feeley, disclose the process wherein the program resides on a third party server ([0041], lines 3-7, Dooley) accessible by an owner of the Web site ([0010], lines 6-8, Dooley).

Regarding Claims 4,12, and 20, the combination of Dooley in view of Feeley, disclose the process wherein the program resides on a personal computer ([0050], lines 5-8, Dooley) accessible by an owner of the Web site ([0010], lines 6-8,Dooley).

Regarding Claims 5,13, and 21, the combination of Dooley in view of Feeley, disclose the process wherein the search phrases are entered by an owner of the Web site ([0025], lines 2-10, Feeley)<sup>8</sup> and further comprising the step of the program determining additional search phrases ([0025], lines 10-14, Feeley).

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<sup>7</sup> Examiner Notes: Fig.4 shows item 57, which is a drop down menu for the owner to choose a desired ranking (i.e. manual). Altering the ranking position corresponds with the editing of the web site.

<sup>8</sup> Examiner Notes: The owner/advertiser reads in the next keyword, which corresponds to the entering of the phrase.

Regarding Claims 6,14, and 22, the combination of Dooley in view of Feeley, disclose the process wherein the search phrases are entered by an owner of the Web site ([0025], lines 2-10, Feeley) and further comprising the step of receiving additional search phrases from a search phrase suggestion tool ([0025], lines 14-18, Feeley)<sup>9</sup>.

Regarding Claims 7,15, and 23, the combination of Dooley in view of Feeley, disclose the process wherein the analyzing the Web site step includes checking the spiderability of the Web site ([0024], lines 8-13, Feeley).

Regarding Claims 8,16, and 24, the combination of Dooley in view of Feeley, disclose the process wherein the analyzing the Web site step includes checking for search engine parsing problems in the Web site ([0048], lines 1-9, Dooley).

***Other Prior Art Made of Record***

1. Hoekstra et al. (US Patent No. 5,905,862) discloses a method, apparatus, and storage medium that relates to a computer networks and, in particular, to registration of web sites with multiple search engines on a network such as the world-wide web.

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<sup>9</sup> Examiner Notes: The suggestion tool corresponds to multiplying the bid amount by the adjusted ratio, which results in an estimated bid amount.




***Points of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 1, 2006

  
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